

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: WVR-24873 - APPLICANT/OWNER: GREATER EVERGREEN
MISSIONARY BAPTIST CHURCH**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Parcel Map (PMP-13988) and Review of Condition (ROC-24875) if approved.

Public Works

2. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the recordation of a map for this site. The termination of the public street shall meet the approval of the Department of Fire Services.
3. Site development to comply with all applicable conditions of approval for Parcel Map (PMP-13988) and all other applicable site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Waiver of Title 18.12.130 to allow Abbott Street to continue to terminate in a dead end street without the required cul-de-sac, on 4.01 acres at 1915 Lexington Street. A two lot parcel map is pending on the property and has been conditioned to provide a cul-de-sac termination for Abbott Street, which is adjacent to the north side of the property.

The applicant would like relief from the requirement to install a cul-de-sac on the subject parcel for the adjacent street, stating a cul-de-sac for Abbott Street is located in a 20 year old subdivision and is not necessary for the existing four homes on the street. Also, a cul-de-sac would decrease the parking spaces on the church property. Public Works and Planning staff recommends denial of the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/2003	The City Council approved a request to amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south (GPA-2497).
06/01/2006	A two-lot parcel map (PMP-13988) was submitted. The map has not yet been recorded.
06/14/07	A request for a Waiver (WVR-21710) of Title 18.12.130 to allow a proposed private street to terminate without the required cul-de-sac at 1915 Lexington Street was withdrawn without prejudice by the Planning Commission.
06/14/07	A request for a Review of Condition (ROC-22071) of Public Works Condition #3 of a Parcel Map (PMP-13988) per Title 18.16.010 on 4.01 acres at 1915 Lexington Street was withdrawn without prejudice by the Planning Commission.
<i>Related Building Permits/Business Licenses</i>	
11/30/1998	Replace light pole and base (#98023375)
01/06/1995	Plumbing (Permit # 95362811)
02/02/1989	Roofing (Permit # 89013008)
<i>Pre-Application Meeting</i>	
4/16/07	Met with applicants and Public Works to discuss procedures to request a waiver of Title 18.12.130 requiring a cul-de-sac at the termination of Abbott Street.

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Neighborhood Meeting

A neighborhood meeting is not required nor was one held.

Field Check

10/31/07	A religious facility is existing on the east side of the 4.07 acre parcel, fronting onto Lexington Street. Abbott street is a short residential public street on the north side of the church, separated from the church property by a chain link fence. At the time of the site visit there were many cars parked in the driveways and on the street.
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Details of Application Request

Site Area

Net Acres	4.07
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Retail / Residential Abbott Street	C (Commercial) L (Low Density Residential)	C-1 (Limited Commercial) R-1 (Single Family Residential)
South	Undeveloped lot Doolittle Street alignment	MXU (Mixed Use)	R-E (Residence Estates) R-1 (Single Family Residential)
East	Residential Lexington Street	L (Low Density Residential)	R-1 (Single Family Residential)
West	Business Park Martin L King Blvd	LI/R (Light Industry and Research)	C-PB (Planned Business Park)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 105 feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church	38 Pews Each pew is 20 feet long	One space for each 20 linear feet of pew space.	38	2	173	2	Y
	Approximately 4000 sf	One space for each 100 sf in the gathering room	40	2		3	Y
SubTotal			78	4	173	5	
TOTAL (including handicap)			82		178		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a private street terminate where a circular cul-de-sac is required.	A cul-de-sac of sufficient radius for emergency vehicle and other large vehicle access	Denial

ANALYSIS

This request is for a Waiver of Title 18.12.130 to allow Abbott Street, a public street, to continue to terminate in a dead end without the required cul-de-sac. The subject property is located on the north side of Doolittle Avenue between Martin L. King Boulevard and Lexington Street. An existing church fronts onto Lexington Street. On June 1, 2006, a parcel map was submitted to the city to divide the 4.07 acres into two parcels. The parcel map depicts Parcel One to consist of 1.75 acres (76,377 square feet); no structures exist on this portion of the site. Parcel Two will encompass 2.32 acres and is developed with a religious facility and adjacent parking. The existing church was built in the 1970s without a Site Development Plan Review and the benefit of city conditions and requirements.

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The submittal of a two-lot parcel map in June 2006 (PMP-13988) generated the comments from Public Works to provide a circular cul-de-sac gate for the 185-foot long Abbott Street, which dead ends on the north side of the subject parcel. Four homes within the Carver Manor subdivision have access provided from Abbott Street. Title 18.12.130 specifically states: *Cul-de-sacs shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.*

The Department of Public Works cannot support this Request for a Waiver of Title 18.12.130 to allow a public street to terminate without a circular cul-de-sac or emergency access gate where one is required for streets terminating other than at an intersection with another public street. Also, this request cannot be supported due to the inability of large vehicles such as delivery trucks to turn around upon reaching the street terminus and the inability of proper street cleaning. In addition, vehicles would tend to utilize private driveways to turn around in order to exit the “dead end” street. Staff is recommending denial, as Public Works objects to this request.

This request is not a Zoning Code compliance issue but a request for a Waiver of Title 18.12.130 of the Subdivision Ordinance. The waiver must be approved by the City Council to allow a street to terminate in a dead end where a cul-de-sac is required.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

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No evidence of a unique or extraordinary circumstance has been presented. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 178

APPROVALS 3

PROTESTS 0